

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, JULY 24, 2003
8:15 A.M.**

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Bob Workman
Deb Schorr
Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:17 a.m.

AGENDA ITEM

1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, JULY 17, 2003 AND FRIDAY, JULY 18, 2003

MOTION: Stevens moved and Hudkins seconded approval of the Staff Meeting minutes of July 17, 2003 and July 18, 2003. Hudkins, Workman, Heier and Stevens voted aye. Schorr was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

None were stated.

Schorr arrived at 8:19 a.m.

3 COMMISSIONER MEETING REPORTS

A. Visitors Promotion Advisory Committee - Schorr

Meeting postponed until July 28, 2003.

B. District Energy Corporation - Heier, Hudkins

Hudkins said the group was informed that natural gas prices are expected to increase significantly.

4 BUDGET WORK SESSION - Dave Kroeker, Budget and Fiscal Officer

Dave Kroeker, Budget and Fiscal Officer, distributed Justification for Increase in General Assistance Funding for Dental Services, Prepared 7-25-03 (Exhibit A).

Kerry Eagan, Chief Administrative Officer, asked whether the Peoples' Health Center could assist with dental services for General Assistance clients.

Hudkins said the Peoples' Health Center Board does not believe it can accept the County's offer of \$50,000 of dental equipment under the terms proposed.

Eagan said Mike Thew, Chief Deputy County Attorney, has issued an opinion that the Peoples' Health Center will need to provide services to the County in exchange for the equipment and said services to General Assistance clients would be sufficient consideration.

ADDITIONS TO THE AGENDA

A. Discussion with Mike Thew, Chief Deputy County Attorney, Regarding Dental Equipment Offered to the Peoples' Health Center

MOTION: Schorr moved and Hudkins seconded approval of the addition to the agenda. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

Kroeker gave an overview of the following documents (Exhibit B):

- Lancaster County Comparison FY04 to FY03 Revenue Budget
- Lancaster County Comparison FY04 to FY03 Expense Budget
- Lancaster County Property Tax Requirement Estimate as of 7-22-03 (Does Not Include Bryan Hospital Claim)

Hudkins said he would like to see additional funding of Emergency Management at an amount sufficient for a deputy position. Board consensus was to leave the County's share of funding at \$15,000.

- Actuals Compared to FY04 Request

MOTION: Schorr moved and Hudkins seconded to postpone a decision on whether to pay Nebraska Bar Association dues for District Court Judges until receipt of a County Attorney's opinion. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

MOTION: Stevens moved to reduce the County Sheriff's vehicle budget by \$25,000.

The motion died for the lack of a second.

Heier suggested exploration of reuse of light bars.

- Department of Community Corrections #676
- Consideration for General Assistance
- Grants Activity 7-1-03 to 7-2-03 and Budget for FY04
- Grants Fund, Agency 693, As of 7-2-03
- Grants Fund, Agency 837, For Year Ended 6-30-03
- FY04 Budget Summary Lancaster Manor Fund
- Correspondence from Lauren Wismer, Bond Counsel Regarding Lancaster Manor Reserve Funds (Dated December 28, 2000)
- Proposed Departmental Reductions

- 5 EYE MED VISION AND AMERITAS DENTAL** - Bill Kostner, City Risk Manager; Georgia Glass, Personnel Director; Bill Thoreson, Benefits Specialist; Diane Carlson, Deputy County Attorney

Ameritas Dental

Bill Kostner, City Risk Manager, recommended extension of the contract with Ameritas for administration of the County's self-insured dental plan, at the current rate.

EyeMed Vision

Kostner recommended extension of the EyeMed Vision contract, at the existing rate. He noted that there is no cost to the County for the plan.

6 CHANGE OF ZONE NO. 211 AND PRELIMINARY PLAT 02029, THE PRESERVE AT CROSS CREEK, SOUTH 68TH STREET & ROCA ROAD -
Mike DeKalb, Planning Department

Mike DeKalb, Planning Department, gave an overview of Change of Zone No. 211 and Preliminary Plat 02029, The Preserve at Cross Creek, a request for a change of zone from Agriculture (AG) to Agricultural Residential (AGR) and a preliminary plat to create 15 lots on property located at South 68th Street and Roca Road (Exhibit C).

DeKalb said the landowner has also purchased 80 acres between this property and Roca Road and will likely apply for a change of zone on that property as well. He noted that the land south of Roca Road is zoned AGR and said if this change of zone is approved the "notch in between is a given".

Stevens said he would prefer to see the applicant put together another plan for the 160 acres with a Community Unit Plan (CUP) that will preserve farmland or prairieland.

7 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney;
Doug Cyr, Deputy County Attorney

MOTION: Schorr moved and Stevens seconded to enter Executive Session at 10:05 a.m. for discussion of pending litigation and labor negotiations. Stevens, Heier, Workman, Schorr and Hudkins voted aye. Motion carried.

MOTION: Workman moved and Hudkins seconded to exit Executive Session at 11 a.m. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

8 LABOR NEGOTIATIONS - Georgia Glass, Personnel Director; John Cripe, Classification and Pay Manager; Diane Carlson, Deputy County Attorney

See Item 7.

ADDITIONS TO THE AGENDA

B. Salary Increases for Unrepresented Employees

MOTION: Hudkins moved and Workman seconded approval of the addition to the agenda. Schorr, Workman and Hudkins voted aye. Stevens and Heier voted no. Motion carried.

Brief discussion took place regarding salary increase percentages for the unrepresented class.

The Board scheduled additional discussion on the July 29, 2003 Staff Meeting agenda.

ADDITIONS TO THE AGENDA

- A. Discussion with Mike Thew, Chief Deputy County Attorney, Regarding Dental Equipment Offered to the Peoples' Health Center

Mike Thew, Chief Deputy County Attorney, appeared and explained that the County can purchase the dental equipment and the Peoples' Health Center can enter into an agreement with the County to accept credit against the dental equipment, rather than payment for services provided to the County.

MOTION: Hudkins moved and Schorr seconded to direct Kerry Eagan, Chief Administrative Officer, and the County Attorney's Office to draft a sample contract and to set up a meeting with representatives of the Peoples' Health Center to discuss a contract for dental services. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

9 ACTION ITEMS

- A. Agenda Items for Common Meeting (August 4, 2003)

The following items were suggested: 1) Joint receptionist job duties; 2) Presentation on the TRIM Electronic Recordkeeping System; 3) Employee paid parking; 4) Funding of the Lincoln-Lancaster Women's Commission; and Emergency Management staffing.

- B. Letter of Support for State Criminal Alien Assistance Program (SCAAP)

MOTION: Stevens moved and Hudkins seconded approval. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

- C. Microcomputer Requests:
 - 1. C#2003-250, \$850.95 from Community Mental Health Center Budget for HP 2300 Laser Printer and Paper Tray

MOTION: Stevens moved and Hudkins seconded approval. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

2. C#2003-251, \$3,388.60 for County Sheriff from the Local Law Enforcement Block Grant for Nine (9) Tungsten W Palms

MOTION: Hudkins moved and Stevens seconded approval. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

- D. Request from Lincoln Area Agency on Aging for Paycheck Insert for Family Caregivers

MOTION: Hudkins moved and Workman seconded approval. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

- E. Request from Gregory A. Greder, Esq., on Behalf of Foster's Tap Restaurant & Bar to Hold Street Dance on August 2, 2003

Jo Killham, applicant, and Gregory A. Greder, attorney for the applicants, appeared and gave an overview of the proposed event.

Greder explained that the applicants were unaware of the requirements for a special designated license. He said the Nebraska Liquor Control Commission has agreed to extend its deadline to Friday, July 25, 2003 for the application, provided there are letters of approval from the County Board and Lancaster County Sheriff's Office. Greder said he has obtained the necessary approval from the Lancaster County Sheriff's Office and asked the Board to consider the matter. He said a "pre-approval" letter from the County Board would be acceptable, subject to final approval by the Board.

Hudkins explained that recommendations from the County Engineer and Lincoln/Lancaster County Health Department are also needed.

Gwen Thorpe, Deputy Chief Administrative Officer, said an amusement license is also needed. A public hearing and publication of a notice of the public hearing for two consecutive weeks would be required. She said the public hearing and notification requirements are a Board policy, not legal requirements.

Workman suggested modification of the public hearing requirements.

Dave Johnson, Deputy County Attorney, explained the public hearing procedure.

Hudkins asked whether the event could be postponed.

Greder said the event has been publicized and a number of tickets have been sold.

MOTION: Schorr moved and Hudkins seconded to: 1) Provide tentative approval; 2) Request a public hearing at the July 29, 2003 Board of Commissioners Meeting; and 3) Require the applicants to provide recommendations of approval from the Lancaster County Sheriff, County Engineer and Lincoln/Lancaster County Health Department.

The maker of the motion and the seconder agreed to amend their motion substituting the word conditional for tentative.

ROLL CALL: Schorr, Workman and Hudkins voted aye. Stevens and Heier voted no. Motion carried.

- F. Request form Robert Glantz, Pavillion & Events Center, to Hold a Christian Music Festival from August 8-10, 2003 at Lincoln City Church, 5001 South 1st Street

Paul Ramirez and Robert Glantz, co-producers of Christ Fest 2003, appeared and gave an overview of the proposed event (Exhibit D).

Dave Johnson, Deputy County Attorney, said the application does not meet the County's time requirements for an amusement license.

Ramirez explained that he was confused whether the event fell within the City or County's jurisdiction and said that is the reason for the last minute application.

Schorr asked that notification be extended to all of the surrounding neighbors.

MOTION: Workman moved approval of the request.

Eagan explained that a public hearing is required.

The motion died for the lack of a second.

Johnson asked whether the Board is interested in streamlining the process.

Schorr asked Johnson whether the requirements could be waived in this particular instance.

Johnson said they could. He suggested that the applicant file the application with the County Clerk's Office and that the item be set for public hearing.

G. Hiring Requests:

1. County Treasurer - Motor Vehicle Clerk

MOTION: Stevens moved and Hudkins seconded approval. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

2. Clerk of District Court - Two (2) Court Services Clerks

MOTION: Schorr moved and Stevens seconded approval. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

3. County Attorney - Client Services Associate

MOTION: Hudkins moved and Stevens seconded approval. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

4. Community Mental Health Center - Mental Health Technician

MOTION: Stevens moved and Hudkins seconded approval. Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

10 ADMINISTRATIVE OFFICER REPORT

- A. Engine Brakes

Item held.

- B. Letter Regarding Indigency Screener

MOTION: Stevens moved and Hudkins seconded approval.

Stevens suggested that the Board notify the affected agencies after finalization of the budget that the Board will continue the program if the agencies, as a collective group, find the funds in their budgets.

ROLL CALL: Schorr, Stevens, Heier, Workman and Hudkins voted aye. Motion carried.

- C. Comprehensive Plan Amendment Regarding Personal Rapid Transit

The Board indicated that it will not reconsider its vote on the amendment.

D. Interlocal Agreement with Villages to Assign Addresses

The Board reviewed a draft of a letter to villages regarding an interlocal agreement for a uniform addressing system (see agenda packet).

MOTION: Stevens moved and Hudkins seconded approval of the letter. Hudkins, Workman, Heier, Stevens and Schorr voted aye. Motion carried.

E. Correspondence from Larry Moore Regarding Kinco Manufacturing of Waverly

Dave Johnson, Deputy County Attorney, explained that Larry Moore was a partner in Kinco Manufacturing of Waverly and said his house is scheduled to be sold August 27, 2003 to satisfy a District Court judgement entered as a result of money that Kinco Manufacturing owes the County under the Economic Development Loan Program. He said the amount of judgement is \$11,978.07, plus interest from the date of judgement. The original loan was in the amount of \$10,000 and the amount owed would have been \$11,599.60, if payments had been made pursuant to the agreement schedule.

Larry Moore appeared and stated that he will pay the debt owed the County.

Johnson explained the sale will not take place if the judgement is satisfied.

Stevens asked Johnson whether Moore's partners will be held financially responsible for the debts that they helped incur.

Johnson said Moore's two partners have filed bankruptcy and said the bankruptcy trustee in one of the cases may include Lancaster County in the payment plan.

Stevens asked whether Moore's partners would be relieved of the payment responsibility if Moore settles the debt.

Johnson advised that Moore seek legal counsel if he wants to be involved in the bankruptcy plan.

MOTION: Workman moved to reduce Larry Moore's obligation to \$3,300 and to consider that settlement to be one third of the debt.

Johnson said Moore needs to substantiate that he can meet the obligation.

The maker of the motion withdrew his motion.

The Board indicated that it would be willing to consider a settlement offer with substantiation of the ability to pay that amount in full by August 27, 2003.

The Chair recessed the meeting until 1:00 p.m.

RETURNING TO BUDGET WORK SESSION

The Chair reconvened the meeting at 1:19 p.m.

Doug Ahlberg, Emergency Management Director, appeared and said a deputy position is not needed at this time and that an Administrative Aide I position will meet the needs of the department.

Kroeker distributed copies of a revised Lancaster County Property Tax Requirement Estimate as of 7-22-03 (Does Not Include Bryan Hospital Claim) (Exhibit E).

The Board discussed their philosophy regarding the budget.

Stevens said he believes there are still areas that could be pared down and said he would like additional time to study the budget in greater detail. He said the Board has budget carryforward authority and said "so there is in effect a cushion if we need it next year to generate dollars".

Kroeker explained that the County has approximately \$14 million of unused budget carryforward authority and estimated that the County will need to "dip into" that amount by \$2 million or more with the proposed budget.

The Chair indicated a willingness to schedule a Staff Meeting on Tuesday, July 29, 2003, but said that will be the deadline for a decision on the budget.

MOTION: Stevens moved and Schorr seconded to work to reduce the budget dollars to the extent that the property tax levy for next year is 0.2640. Stevens and Schorr voted aye. Heier, Workman and Hudkins voted no. Motion failed.

MOTION: Hudkins moved and Heier seconded to set the levy for the purposes of the budget hearing at last year's levy, which is 0.2683.

Workman urged the Board to continue to consider eliminating funding of the Lincoln-Lancaster Women's Commission as a possible cut, whether it reduces the property tax rate or not.

ROLL CALL: Hudkins, Workman and Heier voted aye. Stevens and Schorr voted no.
Motion carried.

The Chair said there is no longer a need to hold a Staff Meeting on Tuesday, July 29, 2003.

Kroeker said he will increase the Contingency Fund by \$437,088 to keep the rate the same (see Exhibit E) and said he will provide an update on the budget at the Thursday, July 31, 2003 Staff Meeting.

Kroeker also distributed copies of correspondence regarding billing of Lexis Nexis Charges and asked that it be reallocated to the proper department (Exhibit F).

Board consensus was to accept that change.

11 ADJOURNMENT

By direction of the Chair, the meeting was adjourned at 2:05 p.m.

Bruce Medcalf
Lancaster County Clerk